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APPLICATION OF

**VIRGINIA ELECTRIC AND
POWER COMPANY**

CASE NO. PUE980463

**To revise its cogeneration tariff
pursuant to PURPA Section 210**

HEARING EXAMINER'S RULING

November 10, 1998

On August 11, 1998, Virginia Electric and Power Company ("Virginia Power" or the "Company") filed written testimony and exhibits to support its proposal to modify its cogeneration and small power production rates under Schedule 19. By order dated September 30, 1998, the Commission docketed the application, scheduled a public hearing for December 16, 1998, established a procedural schedule for the filing of testimony and exhibits, and assigned the case to a hearing examiner to conduct all further proceedings in this matter.

On November 9, 1998, counsel for Protestant Appomattox Cogeneration Limited Partnership ("ACLP") filed a Motion for Extension of Time requesting a six-week extension of time for the filing of protests and testimony. In support of the Motion, counsel states the volume of data require that the Protestants be permitted adequate time to evaluate the information and analyses used by Virginia Power to develop the proposed rates in the Schedule 19 filing. Counsel also represents that the Company, Commission Staff, and the other Protestants in this proceeding support ACLP's request for extension of time. Virginia Power has agreed to a six-week extension on the condition that for this proceeding it be given ten (10) business days to respond to discovery requests of ACLP. ACLP agrees with Virginia Power's request.

Good cause having been shown, I find the Motion for Extension of Time should be granted and a revised procedural schedule established. Accordingly,

IT IS DIRECTED:

(1) That the hearing on this application, currently scheduled to commence at 10:00 a.m. on December 16, 1998, shall be retained on the Commission's docket for the purpose of receiving statements from public witnesses;

(2) That the evidentiary hearing on this application shall be convened at 10:00 a.m. on January 27, 1999;

(3) That, on or before December 22, 1998, each Protestant shall file with the Clerk of the Commission an original and twenty (20) copies of a protest and of the prepared testimony and exhibits the Protestant intends to present at the evidentiary hearing and serve two (2) copies of each on Virginia Power and any other Protestant;

(4) That, on or before January 8, 1999, the Commission's Staff shall file twenty (20) copies of its report or testimony with the Clerk of the Commission, and serve a copy to Virginia Power and to each Protestant;

(5) That, on or before January 19, 1999, Virginia Power shall file with the Commission an original and twenty (20) copies of all testimony it expects to introduce in rebuttal. The Company shall serve a copy of its prefiled rebuttal evidence upon Staff and upon all parties of record; and

(6) That Virginia Power shall be given ten (10) business days to respond to discovery requests of ACLP.

Deborah V. Ellenberg
Chief Hearing Examiner